

**Introduced by Senator Lara**

January 31, 2013

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An act to amend Section 48800 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 150, as amended, Lara. Pupils: concurrent enrollment in secondary school and community college: *nonresident tuition exemption*.

Existing law authorizes the governing board of a school district to allow pupils whom the school district has determined would benefit from advanced scholastic or vocational work to attend a community college as special part-time or full-time students, as specified.

This bill would exempt a pupil, other than a nonimmigrant alien, as specified, attending a community college as a special part-time student from paying nonresident tuition at the community college if certain conditions are satisfied.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48800 of the Education Code is amended  
2 to read:  
3 48800. (a) The governing board of a school district may  
4 determine which pupils would benefit from advanced scholastic  
5 or vocational work. The intent of this section is to provide  
6 educational enrichment opportunities for a limited number of

1 eligible pupils, rather than to reduce current course requirements  
2 of elementary and secondary schools, and also to help ensure a  
3 smoother transition from high school to college for pupils by  
4 providing them with greater exposure to the collegiate atmosphere.  
5 The governing board of the school district may authorize those  
6 pupils, upon recommendation of the principal of the pupil's school  
7 of attendance, and with parental consent, to attend a community  
8 college during any session or term as special part-time or full-time  
9 students and to undertake one or more courses of instruction offered  
10 at the community college level.

11 (b) If the governing board of the school district denies a request  
12 for a special part-time or full-time enrollment at a community  
13 college for any session or term for a pupil who is identified as  
14 highly gifted, the governing board of the school district shall issue  
15 its written recommendation and the reasons for the denial within  
16 60 days. The written recommendation and denial shall be issued  
17 at the next regularly scheduled board meeting that falls at least 30  
18 days after the request has been submitted.

19 (c) A pupil shall receive credit for community college courses  
20 that he or she completes at the level determined appropriate by the  
21 governing boards of the school district and community college  
22 district.

23 (d) (1) The principal of a school may recommend a pupil for  
24 community college summer session only if ~~that~~ *the* pupil meets  
25 all of the following criteria:

26 (A) Demonstrates adequate preparation in the discipline to be  
27 studied.

28 (B) Exhausts all opportunities to enroll in an equivalent course,  
29 if any, at his or her school of attendance.

30 (2) For any particular grade level, a principal shall not  
31 recommend for community college summer session attendance  
32 more than 5 percent of the total number of pupils who completed  
33 that grade immediately before the time of recommendation.

34 (3) A high school pupil recommended by his or her principal  
35 for enrollment in a course shall not be included in the 5-percent  
36 limitation of pupils allowed to be recommended pursuant to  
37 paragraph (2) if the course in which the pupil is enrolled meets  
38 one of the criterion listed in subparagraphs (A) to (C), inclusive,  
39 and the high school principal who recommends the pupil for  
40 enrollment provides the Chancellor of the California Community

1 Colleges, upon the request of the chancellor’s office, with the data  
2 required for purposes of paragraph (4).

3 (A) The course is a lower division, college-level course for  
4 credit that is designated as part of the Intersegmental General  
5 Education Transfer Curriculum or applies toward the general  
6 education breadth requirements of the California State University.

7 (B) The course is a college-level, occupational course for credit  
8 assigned a priority code of “A,” “B,” or “C,” pursuant to the  
9 Student Accountability Model, as defined by the Chancellor of the  
10 California Community Colleges and reported in the management  
11 information system, and the course is part of a sequence of  
12 vocational or career technical education courses leading to a degree  
13 or certificate in the subject area covered by the sequence.

14 (C) The course is necessary to assist a pupil who has not passed  
15 the California High School Exit Examination (CAHSEE), does  
16 not offer college credit in English language arts or mathematics,  
17 and the pupil meets both of the following requirements:

18 (i) The pupil is in his or her senior year of high school.

19 (ii) The pupil has completed all other graduation requirements  
20 before the end of his or her senior year, or will complete all  
21 remaining graduation requirements during a community college  
22 summer session, which he or she is recommended to enroll in,  
23 following his or her senior year of high school.

24 (4) On or before March 1 of each year, the Chancellor of the  
25 California Community Colleges shall report to the Department of  
26 Finance the number of pupils recommended pursuant to paragraph  
27 (3) who enroll in community college summer session courses and  
28 ~~who receive a passing grade~~ *grades*. The information in this report  
29 may be submitted with the report required by subdivision (c) of  
30 Section 76002.

31 (5) The Board of Governors of the California Community  
32 Colleges shall not include enrollment growth attributable to  
33 paragraph (3) as part of its annual budget request for the California  
34 Community Colleges.

35 (6) Notwithstanding Article 3 (commencing with Section 33050)  
36 of Chapter 1 of Part 20 of Division 2 ~~of Title 2~~, compliance with  
37 this subdivision shall not be waived.

38 (e) A pupil, other than a nonimmigrant alien within the meaning  
39 of *subparagraphs (A) to (S), inclusive, of paragraph (15) of*  
40 subsection (a) of Section 1101 of Title 8 of the United States Code,

1 attending a community college as a special part-time student  
2 pursuant to this section, ~~if all of the following are satisfied~~, shall  
3 be exempt from paying nonresident tuition at the California  
4 Community Colleges, *if all of the following are satisfied*:  
5 (1) He or she has attended school in California for one year or  
6 more.  
7 (2) He or she is enrolled in a California high school.  
8 (3) He or she is enrolled in a California community college  
9 pursuant to this section and Section 76001.  
10 (4) In the case of a pupil without lawful immigration status, an  
11 affidavit has been filed with the institution of higher education  
12 stating that the student has filed an application to legalize his or  
13 her immigration status, or will file an application as soon as he or  
14 she is eligible to do so.  
15 (f) Paragraphs (3), (4), and (5) of subdivision (d) shall become  
16 inoperative on January 1, 2014.